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04-19-03

CASE D0020 NP

DAC/A

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV305489986US  
Express Mail Label Number

April 16, 2004  
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1646

FEDER ET AL.

EXAMINER: JIANG, DONG

APPLICATION NO: 09/932,145

FILED: August 17, 2001

FOR: NOVEL IMIDAZOLINE RECEPTOR HOMOLOGS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD FILING DATE  
FOR EXPRESS MAIL CORRESPONDENCE NOT RECEIVED BY P.T.O. (37 C.F.R. § 1.10(e))**

1. This is a petition to accord the correspondence in the above-identified application a filing date of September 17<sup>th</sup>, 2003, which is the date the correspondence was deposited with the U.S.P.S. with proper postage.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and 1.10**

I hereby certify that, on the date shown below, this correspondence was deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

as "Express Mail Post Office to Addressee", Mailing Label No. EV306636575US  
dated 9/17/03 and accepted by CB

2. Submitted herewith is the statement indicating when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. § 1.10(e)(1).

The undersigned states that this discrepancy was first discovered during the week of March 22<sup>nd</sup>, 2004 during a docket review to identify any discrepancies between internal docket records and the U.S.P.T.O. PAIR system.

The undersigned further states that this discrepancy was confirmed via a telephone conversation with Examiner Dong on April 6<sup>th</sup>, 2004. Upon receiving this confirmation, the undersigned diligently addressed this discrepancy by preparing the instant petition in addition to the required showing.



CASE D0020 NP

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV305489986US  
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FOR: NOVEL IMIDAZOLINE RECEPTOR HOMOLOGS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPORTING STATEMENT FOR PETITION TO ACCORD FILING DATE  
FOR EXPRESS MAIL CORRESPONDENCE NOT RECEIVED BY P.T.O. (37 C.F.R. § 1.10(e))**

The undersigned states that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying this petition were deposited as "Express Mail" with the U.S.P.S. on September 17<sup>th</sup>, 2003 at 3:24 P.M.

The undersigned further states that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying this petition are true copies of the correspondence, mailing label and returned postcard receipt originally mailed or received.

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-3597

Joyce Whitlow  
Joyce Whitlow  
IP Legal Assistant II

Date: April 16, 2004

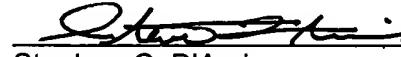
3. Submitted herewith, in accordance with 37 C.F.R. § 1.10(e)(3), are the following:

- A true copy of the originally-deposited paper(s) or fee(s).
- A true copy of the "Express Mail" mailing label showing the "date-in."
- A true copy of the returned Post Card showing receipt of these papers by the U.S.P.T.O.
- A true copy of the Express Mail bill sent to Bristol-Myers Squibb showing the Express Mail Label Number and the date of deposit as September 17<sup>th</sup>, 2004.
- Bristol-Myers Squibb U.S.P.T.O. Account log showing the withdrawal of the fees for the originally-deposited papers.

4. Submitted herewith is a statement signed by the person who deposited the documents as "Express Mail" with the U.S.P.S., setting forth the date and time of deposit, and declaring that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying this petition are true copies of the correspondence, mailing label and returned postcard receipt originally mailed or received.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-5289

  
\_\_\_\_\_  
Stephen C. D'Amico  
Agent for Applicants  
Reg. No. 46,652

Date: April 16, 2004

3454

Case No.: D0020

Application No.: 09/932,145

Mailing Date: 9/17/03

Due Date: \_\_\_\_\_

Express Mail No.: EN306636575US

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

Amendment/Response/Letter - Fee \$ \_\_\_\_\_  
 Appln. Filing Papers - Fee \$ \_\_\_\_\_  
 Non-provisional \_\_\_\_\_  
 Provisional Application \_\_\_\_\_  
 CPA \_\_\_\_\_  DIV \_\_\_\_\_  CONT \_\_\_\_\_  CIP \_\_\_\_\_  
 Specification \_\_\_\_\_ Pg's \_\_\_\_\_  
 Executed/Unexecuted Decl. - Fee \$ \_\_\_\_\_  
 Missing Parts/Missing Req. \_\_\_\_\_  
 Preliminary Amendment \_\_\_\_\_ 5 Pg's \_\_\_\_\_  
 Claim of Priority \_\_\_\_\_  Certified Copy(s) \_\_\_\_\_  
 Amendment After Final \_\_\_\_\_  
 Notice of Appeal - Fee \$ \_\_\_\_\_  
 Appeal Brief - Fee \$ \_\_\_\_\_  
 Issue Fee Payment - \$ \_\_\_\_\_  
 Assignment Rec. Req. - Fee \$ \_\_\_\_\_  
 Formal Drawings \_\_\_\_\_ Pg's \_\_\_\_\_  
 IDS \_\_\_\_\_ Pg's - Fee \$ 180 \_\_\_\_\_  
 PTO-1499 Form \_\_\_\_\_ Pg's \_\_\_\_\_ (1 ref.)  
 Pet. for Ext. of Time - Fee \$ \_\_\_\_\_  
 Seq. Listings \_\_\_\_\_ Pg's/Seq. Disk \_\_\_\_\_

BMS-P65035 RESPONSE to R&T Requirements  
6/10/03 TRAVERSE

SCD Initials

**Mailing Label**  
Label 11-F June 2002



EV 306636575 US



**Post Office To Addressee**

**UNITED STATES POSTAL SERVICE®**

ORIGIN (POSTAL USE ONLY)		DELIVERY (POSTAL USE ONLY)	
PO ZIP Code	Day of Delivery	Flat Rate Envelope	Delivery Attempt
	<input type="checkbox"/> Next	<input type="checkbox"/> Second	<input type="checkbox"/> AM
Date In		Postage	<input type="checkbox"/> PM
Mo. Day Year	<input type="checkbox"/> 12 Noon	<input type="checkbox"/> 3 PM	Employee Signature
Time In	Military	Return Receipt Fee	Employee Signature
<input type="checkbox"/> AM	<input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day	Employee Signature
Weight	Int'l Alpha Country Code	COD Fee	Employee Signature
lbs. ozes.		<input type="checkbox"/> 3rd Day	Employee Signature
No Delivery	Acceptance	Insurance Fee	Employee Signature
<input type="checkbox"/> Weekend	<input type="checkbox"/> Holiday	Total Postage & Fees	Employee Signature
CUSTOMER USE ONLY		\$	Customer Signature
METHOD OF PAYMENT: Express Mail Corporate Acct. No. <b>X085205</b>			

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FROM: (PLEASE PRINT)	TO: (PLEASE PRINT)
PHONE: _____	PHONE: _____
<b>STEPHEN DAVIDS BRISTOL-MYERS SQUIBB CO PO BOX 4000 PRINCETON NJ 08543-4000</b>	
<b>MAIL STOP 4000, Fee Adjustment COMMISSIONER FOR PAYMENT PO BOX 1450 ALEXANDRIA VA 22313-1450</b>	

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D0020NP



EV 306636575 US



UNITED STATES POSTAL SERVICE®

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**ORIGIN (POSTAL USE ONLY)**

PO ZIP Code <i>18648</i>	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date In <i>7/17/03</i>	Mo. Day Year <input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage <i>\$ 13.65</i>
Time In <i>13:23</i>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight <i>3.90</i> lbs. ozs.	Int'l Alpha Country Code <i>CB</i>	COD Fee <input type="checkbox"/> Insurance Fee <input type="checkbox"/>
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <i>CB</i>	Total Postage & Fees <i>\$ 13.65</i>

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**METHOD OF PAYMENT:**

Express Mail Corporate Acct. No. *X065205*

**FROM: (PLEASE PRINT)**

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STEPHEN LAVIS  
KRISTOL-MYERS STUDIO, C/O  
PO BOX 4000  
PRINCETON NJ 08543-4000

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**DELIVERY (POSTAL USE ONLY)**

Delivery Attempt	Time <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Employee Signature <i>CB</i>
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Employee Signature <i>CB</i>
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Employee Signature <i>CB 17 2003</i>
Mo. Day		

**WAIVER OF SIGNATURE (Domestic Only)** Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

**NO DELIVERY**  Weekend  Holiday

**Customer Signature**

Federal Agency Acct. No. or  
Postal Service Acct. No.

**TO: (PLEASE PRINT)**

PHONE (  )

MAIL STOP *NM1* - Fee Approved  
COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA VA 22313-1450



3454 }

Case No.: D0020Application No.: 09/932,141Mailing Date: 9/17/03

Due Date: \_\_\_\_\_

Express Mail No.: EV306636575US

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

Amendment/Response/Letter - Fee \$ \_\_\_\_\_  
 Appl. Filing Papers - Fee \$ \_\_\_\_\_  
 Non-provisional  
 Provisional Application  
 CPA     DIV     CONT     CIP  
 Specification \_\_\_\_\_ Pg's  
 Executed/Unexecuted Decl. - Fee \$ \_\_\_\_\_  
 Missing Parts/Missing Req.  
 Preliminary Amendment \_\_\_\_\_ 5 Pg's  
 Claim of Priority     Certified Copy(s)  
 Amendment After Final  
 Notice of Appeal - Fee \$ \_\_\_\_\_  
 Appeal Brief - Fee \$ \_\_\_\_\_  
 Issue Fee Payment - \$ \_\_\_\_\_  
 Assignment Rec. Req. - Fee \$ \_\_\_\_\_  
 Formal Drawings \_\_\_\_\_ Pg's  
 IDS \_\_\_\_\_ 2 Pg's - Fee \$ 180  
 PTO-1499 Form \_\_\_\_\_ Pg's  
 Pet. for Ext. of Time - Fee \$ \_\_\_\_\_  
 Seq. Listings \_\_\_\_\_ Pg's/Seq. Disk

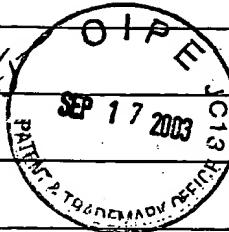
BMS-PO-035

*RESPONSE to RST. REQUIREMENT  
w/o TRAVERSE*

(1 ref.)

SCD

Initials



PRINCETON NJ 08540-9998



UNITED STATES POSTAL SERVICE

EXPRESS MAIL CORPORATE ACCOUNT  
MAILING STATEMENT

ACCOUNT NO: 085205

DEPOSIT REQUIRED  
UPON RECEIPT

No deposit required at this time

ERNIE FUSCO  
BRISTOL-MYERS SQUIBB & CO  
PO BOX 4000  
PRINCETON NJ 08543-4000

Please make check payable to POSTMASTER.  
Include Account Number on check and send to:

POSTMASTER  
BRA #1  
213 CARNAGIE CENTER  
PRINCETON NJ 08540-9998

Return Top Portion With Your Payment

SEP FY03

ACCOUNT NO.	ACCOUNT ZIP	STATEMENT DATE	BEGINNING PERIOD		ENDING PERIOD	
085205	08540	10/01/03	09/01/03		09/30/03	
BEGINNING BALANCE	DEPOSITS	REFUNDS	POSTAGE	ADJUSTMENTS	WITHDRAWALS	TRANSFERRED TO PM
3,879.70	0.00	0.00	890.50	0.00	0.00	0.00
NO. OF TRANSACTIONS	0	0	53	0	0	DEPOSIT REQUIRED BASED ON PREVIOUS MAILING ACTIVITY
						\$ 0.00

See reverse side for important information. For statement inquiries, call your account representative within 90 days of statement date.

PLEASE NOTE THAT THIS STATEMENT COVERS SEPTEMBER 6 THROUGH SEPTEMBER 30, 2003.

BEGINNING ON OCTOBER 1, 2003 THE US POSTAL SERVICE IS SWITCHING FROM ACCOUNTING PERIODS (APS) TO MONTHLY REPORTING. YOUR FIRST STATEMENT IN THE NEW FORMAT WILL GENERATE ON NOVEMBER 1, 2003 AND WILL COVER OCTOBER 1 THROUGH OCTOBER 31, 2003.

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**EXPRESS MAIL CORPORATE ACCOUNT  
MAILING STATEMENT**

ACCOUNT NO: 085205

PERIOD: 09/01/03 - 09/30/03

DATE	CHARGE BACK	LABEL NUMBER	ORIG ZIP	DEST ZIP	ADJ # REF *	POSTAGE	FEES		DEPOSITS	WITH- DRAWALS	CDA LEG
							PICKUP	DELIVERY			
BEGINNING BALANCE:						3,879.70					
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09/09/03		EV322166359US	08648	22313		13.65					
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09/26/03		EV323501365US	08648	22313		13.65					
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09/29/03		EL984308331US	08648	22313		0.00					
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09/30/03		EV323501309US	08648	22313		17.85					
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(A) TOTAL CHARGES :						890.50					
(B) TOTAL ADJUSTMENTS (B):						0.00					
(C) TOTAL REFUNDS (*):						0.00					
TOTAL (A + B - C):						890.50	0.00	0.00	0.00		
ENDING BALANCE:						2,989.20					

USPTO ACCOUNT  
BMS withdrawals

Docket #	Mail Date	PostCard ID	Admin	Description	Account ID	Withdrawal Amount
D0020 NP	9/17/2003	3454	W/Mittow, Joyce	1806	Domestic	\$180.00
LA118 PSP	9/17/2003	3476	DeRuyter, Barbara	1005	Domestic	\$160.00
DB33 NP				Issue fee, Publication		
109/779,109	9/17/2003	3477	Markee, Tina	fee, soft copies	Domestic	\$1,630.00
LA0089 NP	9/17/2003	3478	DeRuyter, Barbara	Missing parts	Domestic	\$130.00